



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-092**

August 25, 2006

Ross Realty Trust
Deborah Mae Fife
8 Rock Rimmon Rd
Kingston, NH 03848

RE: DES Wetlands File #2005-00559 Brook Rd, Goshen, Tax Map/Lot #209/97

Dear Ms. Ross:

On August 7, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Goshen Tax Map 209 as Lot 97 (the "Property"). The purpose of the inspection was to determine compliance with Wetlands and Non-Site Specific Permit #2005-00559, issued to Ross Realty Trust on August 31, 2005 and RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800 and RSA 483-B and NH Code of Admin. Rules Env-Wq 1400-1411.

During the inspection the following deficiencies were documented:

1. DES personnel measured the beach area to be approximately 22,280 square feet covering an area measuring approximately 200 feet long by 50 feet deep and 108 feet long by 110 feet deep. The beach reconstruction exceeds the approved foot print of 8,580 square feet by approximately 13,700 square feet.
2. Approximately 10 trees and their stumps were removed within 50 feet of the shoreline of Rand Pond outside the permitted beach dimensions and approximately 6 saplings and groundcover were removed outside the approved foot print for the beach construction.

In response, you are requested to take the following actions:

1. Within 30 days of the date of this Letter of Deficiency submit to DES for approval, a restoration plan to reduce the beach to the approved dimensions (copy of plan and permit enclosed), and reestablish a well-distributed stand of trees, saplings, and ground cover outside the approve beach area. The restoration plan shall be prepared by an environmental professional and include the following:

- a. A plan with dimensions, drawn to scale, showing:

1. existing conditions, with shoreline structures and the normal high water reference mark; and
 2. proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion and sediment control and stabilization of the restoration area, including provisions for pulling back sand from the silt fence to prevent an extensive amount of sediment from entering Rand Pond;
- c. The restoration plan shall identify:
- (1) The species of plants proposed for replanting;
 - (2) The number and distribution of plants proposed for replanting;
 - (3) The basal area of the trees proposed for replanting;
 - (4) The existing trees remaining within the natural woodland buffer, if any; and
 - (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
- d. A proposed removal schedule and construction sequence listing equipment and methods for accomplishing restoration, as well as an anticipated restoration compliance date.
2. Implement the restoration plan only after receiving written approval, and as conditioned, by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Wq 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 7350

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Goshen Conservation Commission
Goshen Board of Selectmen
USACOE
Ray S. Cowan, PE, SFC Engineering Partnership, Inc.